

## Message Text

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ACTION EB-08

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TO SECSTATE WASHDC 6521

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UNCLAS BERN 3192

CORRECTED COPY (TEXT)

USOECD

EO 11652: N/A

TAGS: ECRP, ETRD, SZ

SUBJ: SWISS LABOR LAW

REF: STATE 136706

1. BASIC SWISS LABOR LEGISLATION CONSISTS OF FED LAW OF 1964 AS AMENDED CONCERNING LBOR IN INDUSTRY, TRADES AND COMMERCE (LABOR ACT), AND TITLE 10 SWISS CODE OF OBLIGATIONS 1911 RELATING TO SERVICE CONTRACT. REGULATIONS UNDER TITLE 10 CONCERNING COLLECTIVE AGREEMENTS WERE SUPERSEDED BY LAW OF 1956 AS AMENDED CONCERNING GENERAL VALIDITY OF COLLECTIVE AGREEMENTS.

2. LABOR LEGISLATION APPLIES TO ALL SECTORS OF ECONOMY EXCEPT AGRICULTURE. LABOR ACT ALSO CONTAINS PENAL PROVISIONS. EXECUTION IS LEFT TO CANTONS. GOVT SUPERVISES. LABOR ACT STIPULATES MEASURES TO BE TAKEN FOR HEALTH AND ACCIDENT PREVENTION. TANDARDS ARE UNCLASSIFIED

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VERY HIGH FOR WORKER EXPOSURE TO TOXIC SUBSTANCES. IT LIMITS HOURS OF WORK IN GENERAL PER WEEK (45 HOURS FOR BLUE AND WHITE COLLAR WORKERS IN INDUSTRY, 50 HOURS FOR OTHE WORKERS) AND IN SPECIAL CASES PER DAY (9 HOURS FOR JUVENILE WORKERS AND SHIFT WORKERS). IT FURTHER RESTRICTS OVERTIME TO 220 HOURS ANNUALLY (WITH EXCEPTIONS), LISTS THE CONDITIONS UNDER WHICH CONPEN-

SATORY AND SUPPLEMENTARY WORK IS PERMITTED, SETS LIMITS FOR DAYTIME WORK AND PERSCRIBES WORK BREAKS. NIGHT WORK IN PARTICULAR, AS WELL AS WORK ON SUNDAYS AND UNINTERRUPTED WORK ARE SUBJECT TO SPECIAL PERMIT. UNDER THE LAW, EMPLOYER IS OBLIGED TO PROTECT EMPLOYEE FROM OVERWORK, HAVE CONSIDERATION FOR HEALTH OF JUVENILE AND FEMALE WORKERS, AND SAFEGUARD THEIR MORALS. JUVENILE AND FEMALE WORKERS ARE NOT ALLOWED TO WORK AT NIGHT OR SUNDAYS. THEY MAY NOT BE EMPLOYED FOR CERTAIN KINDS OF DANGEROUS WORK. THERE CAN BE SOME EXCEPTIONS TO MOST OF THESE RESTRICTIONS UPON WRITTEN AGREEMENT.

3. CODE OF OBLIGATIONS, INCLUDING THE PROVISIONS CONCERNING THE SERVICE CONTRACT, AS PART OF SWISS PRIVAT LAW. PROVISIONS DEFINE AND REGULATE SINGLE SERVICE CONTRACT, STANDARD WORK CONTRACT, AND COLLECTIVE CONTRACT. BASIC RULES OF SERVICE CONTRACTS ARE MUCH THE SAME IN ALL DEVELOPED COUNTRIES. CONDITIONS OF WORK, INCLUDING WAGES OR SALARY, CAN BE FREELY AGREED UPON, PROVIDED THEY DO NOT RUN CONTRARY TO LAW OR OFFEND PUBLIC MORALS. GOVT DOES NOT SET MINIMUM WAGE BUT SWISS WAGE LEVELS GENERALLY HIGH. AVERAGE 1977 MONTHLY WAGE SF 2,588 (ABOUT 1,078 DOLS). AVERAGE 1977 HOURLY WAGE SF 11,09 (ABOUT 4,62 DOLS). MINIMUM PERIOD UNCLASSIFIED

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OF PAID ANNUAL LEAVE FOR ADULTS HAS BEEN SET AT TWO WEEKS BY FED GOVT BUT MAY BE EXTENDED TO THREE WEEKS BY CANTONS (TEN CANTONS HAVE DONE THIS SO FAR). IF CONTRACT HAS NOT BEEN CONCLUDED FOR DETERMINED OR DETERMINABLE TIME IT CAN BE TERMINATED BY ADVANCE NOTICE BY EITHER PARTY WITHOUT SPECIFIED REASON; A RIGHT IS RESERVED TO GIVE NOTICE FOR IMPORTANT REASONS.

4. THE STANDARD WORK CONTRACT IS MISNOMER; IT IS DECREE ISSUED BY THE FED OR CANTONAL AUTHORITIES TO REGULATE LABOR CONDITIONS. SPECIAL EXCEPTIONAL CLAUSES ARE PERMITTED AND MAY BE AGREED UPON BY PARTNERS IN WRITING. COLLECTIVE AGREEMENT IS LEGAL INSTRUMENT THAT GOES FARTHEST TOWARD DEMOCRATIC ESTABLISHMENT OF LABOR CONDITIONS. IT ENABLES TRADE ASSOCIATIONS AND UNIONS TO LAYDOWN BINDING CONDITIONS IN INTEREST OF BOTH EMPLOYERS AND EMPLOYEES. LABOR UNIONS CAN PROVIDE FOR COMPENSATION FUNDS AND OTHER SOCIAL WELFARE INSTITUTIONS (E.G., ADDITIONAL OLD-AGE INSURANCE), ESTABLISH PRIMARY OBLIGATION OF PRESERVING HARMONIOUS LABOR RELATIONS AND SET UP

ARBITRATION MACNINERY IN COLLECTIVE AGREEMENT.

5. ORDINARY COLLECTIVE AGREEMENT IS VALID ONLY FOR SUCH EMPLOYERS AND EMPOLYEEES AS BELONG TO THE ASSOCIATIONS CONCERNED, PROVIDING THAT IN INDIVIDUAL CASES GENUINE EMPLOYMENT RELATIONSHIP EXISTS. LAW OF 1956 PERMITS AUTHORITIES TO WIDEN SCOPE OF A COLLECTIVE AGREEMENT AT REQUEST OF CONTRACTING PARTIES TO ENBRACE THOSE NOT ORGANIZED. DECISION MAKING AN AGREEMENT BINDING ON EVERYBODY CAN ONLY BE TAKEN UNDER CEGRTAIN CONDITIONS IN ORDER THAT NO MINORITY CAN IMPOSE ITS WILL ON THE MAJORITY AND THAT ALL MEMBERS OF ANY TRADE SHALL BE TREATED EQUALLY. BECAUSE OF LEGAL FICTION,  
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COLLECTIVE AGREEMENT STILL RETAINS THE CHARACTERISTICS OF CONTRACT, EVEN WHEN IT HAS BEEN CECLARED BINDING ON ALL; IT IS UP TO UNIONS TO SEE IT IS CARRIED OUT. THAT IS ONE REASON SWITZERLAND HAS RELATIVELY FES DISPUTES THAT LEAD TO STRIKES. WARNER

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